

1 PAUL L. REIN, Esq. (SBN 43053)
2 PATRICIA BARBOSA, Esq. (SBN 125865)
3 JULIE A. MCLEAN, Esq. (SBN 215202)
4 LAW OFFICES OF PAUL L. REIN
200 Lakeside Dr., Suite A
Oakland, CA 94612
(510) 832-5001

5 Attorneys for:
6 Plaintiff RICHARD STICKNEY

7 KENNETH D. SIMONCINI, P.C. (SBN 145586)
8 KERRI A. JOHNSON, ESQ. (SBN 138344)
9 LESLIE WAGLEY, ESQ. (SBN 215281)
SIMONCINI & ASSOCIATES
10 Attorneys at Law
1694 The Alameda
San Jose, CA 95126-2219
(408) 280-7711

11 Attorney for Defendants
12 CALIFORNIA GRAND CASINO, INC. and
13 LAMAR V. WILKINSON

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 RICHARD STICKNEY,

CASE NO. C04-3552 CW
Civil Rights

17 Plaintiff,

18 v.

**SECOND STIPULATION AND
[PROPOSED] ORDER TO EXTEND TIME
FOR FILING MOTION FOR ATTORNEY
FEES, EXPENSES, AND COSTS**

19 CALIFORNIA GRAND CASINO,
20 INC.; LAMAR V. "WILL"
21 WILKINSON; and DOES 1-25,
Inclusive,

22 Defendants.

23 _____ /

24 **STIPULATION**

25 Plaintiff RICHARD STICKNEY and defendants CALIFORNIA
26 GRAND CASINO, INC. and LAMAR V. WILKINSON, hereby jointly
27 stipulate and request that the Court extend plaintiff's

28 **Second Stipulation and Order Extending Time to
File Attorney Fee Motion: Case No. C04-3552 CW**

1 deadline for filing a motion for attorney's fees, litigation
2 expenses, and costs to January 27, 2006.

3 Good cause exists for continuing the motion deadline:

4 1. On September 7, 2005, the parties held a further
5 settlement conference in front of Magistrate Judge Maria-Elena
6 James. With the assistance of Judge James, the parties settled
7 the injunctive relief and damages aspects of this litigation.

8 2. Due to the time running out for the September 7
9 settlement conference, however, the parties were not able to
10 even begin discussion of the issue of plaintiff's statutory
11 attorney fees, litigation expenses, and costs. Judge James
12 offered the parties a further settlement conference on this
13 issue in the event that the parties were unable to settle the
14 issue directly between themselves.

15 3. Since that time, the parties have been
16 negotiating in good faith toward a settlement of the attorney
17 fees issue. Plaintiff has provided to defendants a demand on
18 attorney fees with supporting documentation. Defendants have
19 been unable to respond to plaintiff's attorney fee demand as
20 quickly as they had hoped, due to an insurance coverage issue
21 that has arisen.

22 4. The parties still anticipate that they may
23 require the assistance of Magistrate Judge James on this issue.
24 However, this process may take one to two months more,
25 especially due to the calendar of Judge James and the ability
26 to schedule a settlement conference on her crowded calendar.
27 The parties believe that negotiation of the attorney fee issue,
28 rather than contested motion, would be a better use of the

1 parties' and, especially, of the court's resources.

2 5. The parties previously requested one extension
3 of the deadline for plaintiff to file an attorney fee motion.
4 (Although the parties intended to ask for a short two-month
5 extension to November 28, 2005, there was a typographical error
6 in the submitted stipulation and order which gave the parties
7 until November 28, 2006. However, the parties do not wish to
8 rely on this "typo" and so are requesting this extension to
9 January 27, 2006.) Other than that continuance, no party has
10 requested a continuance in this case, and no party will be
11 prejudiced by the continuance. There are no trial dates set or
12 necessary in this case, since the attorney fee issue is the
13 only outstanding issue.

14 Therefore, the parties now hereby request that
15 plaintiff's deadline for filing a motion for attorney's fees,
16 litigation expenses and costs be extended to and through
17 January 27, 2006.

18
19
20 Dated: November 17, 2005

PAUL L. REIN
PATRICIA BARBOSA
JULIE A. MCLEAN
LAW OFFICES OF PAUL L. REIN

23 _____
24 /s/ Julie McLean

25 Attorneys for Plaintiff
26 RICHARD STICKNEY

27 ///

28 ///

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LAW OFFICES OF
PAUL L. REIN
200 LAKESIDE DR., SUITE A
OAKLAND, CA 94612-3503
(510) 832-5001

Second Stipulation and Order Extending Time to
File Attorney Fee Motion: Case No. C04-3552 CW

1 Dated: November 17, 2005

KENNETH D. SIMONCINI
KERRI A. JOHNSON
LESLIE WAGLEY
SIMONCINI & ASSOCIATES

4 /s/ Kerri Johnson
5 Attorney for Defendants
6 CALIFORNIA GRAND CASINO, INC.;
7 LAMAR V. WILKINSON

8 **ORDER**

9 Pursuant to stipulation, and for good cause shown, **IT IS SO**
10 **ORDERED**. Plaintiff shall file a motion for attorney's fees,
11 litigation expenses and costs no later than January 27, 2006.

12 Dated: 11/22, 2005

13 Honorable Claudia Wilken
14 United States District Judge

